

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 21, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NO. 2:23-CV-00179-SAB

In re

Whitworth University Data Breach

NO. 2:23-CV-00179-SAB

PATRICK LOYOLA, on behalf of
himself and all others similarly situated,
Plaintiff,
v.

WHITWORTH UNIVERSITY,
Defendant.

NO. 2:23-CV-00203-SAB

RACHEL WILSON, on behalf of herself
and all others similarly situated,
Plaintiff,
v.

WHITWORTH UNIVERSITY,
Defendant.

Before the Court are Plaintiffs' Unopposed Motion to Consolidate Cases,
ECF No. 11; Plaintiffs' Motion to Appoint Co-Lead Counsel Under Fed. R. Civ. P.

ORDER RE: CONSOLIDATION, SETTING DEADLINE ~ 1

23(g)(3), ECF No. 12; and Joint Stipulation Re: Defendant Whitworth University's Response Deadline to Plaintiff Patrick Loyola's Complaint and Delaying Issuance of Case Scheduling Order, ECF No. 13. The motions were heard without oral argument.

Plaintiff Patrick Loyola is represented by Kevin Laukaitis and Samuel Strauss. Plaintiff Rachel Wilson is represented by Jason Dennett and Kaleigh Boyd. Defendant is represented by David Liu and David Spellman.

The parties ask the Court to consolidate the above-captioned cases and recaption the case to *In re Whitworth University Data Breach*. Good cause exists to grant the parties' request.

Plaintiffs move the Court to appoint interim co-class counsel. Good cause exists to grant the parties' request.

Finally, the parties ask the Court to strike Defendant's deadlines to file a response to Plaintiffs' Complaints and instead set a deadline to file its response to the anticipated consolidated class action complaint. Good cause exists to grant the parties' request.

Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiffs' Unopposed Motion to Consolidate Cases, ECF No. 11, is **GRANTED**.

a. *Patrick Loyola v. Whitworth Univ.*, No. 2:23-CV-00179-SAB, and *Rachel Wilson v. Whitworth Univ.*, No. 2:23-CV-00203-SAB are consolidated.

b. The Clerk of Court shall recaption *Patrick Loyola v. Whitworth Univ.*, No. 2:23-CV-00179-SAB as:

In re

Whitworth University Data Breach

c. All subsequent filings shall be filed in No. 2:23-CV-179-SAB.

d. The Clerk of Court shall administratively close *Wilson v. Whitworth Univ.*, No. 2: 23-CV-00203-SAB.

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1 2. Plaintiffs' Motion to Appoint Co-Lead Counsel Under Fed. R. Civ. P.
2 23(g)(3), ECF No. 12, is **GRANTED**.

3 a. The Court appoints Kevin Laukaitis of Laukaitis Law and Bryan L.
4 Bleachier of Chestnut Cambronne PA. Interim Co-Lead Counsel must
5 assume responsibility for the following duties during all phases of this
6 litigation:

7 a) Coordinating the work of preparing and presenting all of
8 Plaintiffs' claims and otherwise coordinating all proceedings, including
9 organizing and supervising the efforts of Plaintiffs' counsel in a manner to
10 ensure that Plaintiffs' pretrial preparation is conducted effectively,
11 efficiently, expeditiously, and economically;

12 b) Delegating work responsibilities and monitoring the
13 activities of all Plaintiffs' counsel in a manner to promote the orderly and
14 efficient conduct of this litigation and to avoid unnecessary duplication and
15 expense;

16 c) Calling meetings of Plaintiffs' counsel for any appropriate
17 purpose, including coordinating responses to questions of other parties or of
18 the Court, and initiating proposals, suggestions, schedules, and any other
19 appropriate matters;

20 d) Determining (after consultation with other co-counsel as
21 may be appropriate) and presenting (in briefs, oral argument, or such other
22 fashion as his or her designee may deem appropriate) to the Court and
23 opposing parties the position of the Plaintiffs on all matters arising during
24 pretrial (and, if appropriate, trial) proceedings;

25 e) Serving as the primary contact for all communications
26 between Plaintiffs and Defendant, and acting as spokespersons for all
27 Plaintiffs vis-à-vis Defendant and the Court;

28 f) Directing and executing on behalf of Plaintiffs the filing of

ORDER RE: CONSOLIDATION, SETTING DEADLINE ~ 3

1 pleadings and other documents with the Court;

2 g) Appearing at all court hearings and conferences regarding
3 the case as most appropriate for effective and efficient representation, and
4 speaking for Plaintiffs at all such hearings and conferences;

5 h) Receiving and initiating communication with the Court and
6 the Clerk of the Court (including receiving orders, notices, correspondence,
7 and telephone calls) and dispensing the content of such communications
8 among Plaintiffs' counsel;

9 i) Initiating and conducting discussions and negotiations with
10 counsel for Defendant on all matters, including settlement;

11 j) Negotiating and entering into stipulations with opposing
12 counsel as necessary for the conduct of the litigation;

13 k) Initiating, coordinating, and conducting all discovery on
14 Plaintiffs' behalf and ensuring its efficiency;

15 l) Selecting, consulting with, and employing experts for
16 Plaintiffs, as necessary;

17 m) Encouraging and enforcing efficiency among all Plaintiffs'
18 counsel;

19 n) Assessing Plaintiffs' counsel for the costs of the litigation;

20 o) Preparing and distributing periodic status reports to the Court
21 and to the parties as ordered;

22 p) Developing and recommending for Court approval practices
23 and procedures pertaining to attorneys' fees and expenses as further detailed
24 below and, on an ongoing basis, monitoring and administering such
25 procedures. At such time as may be appropriate, Co-Lead Counsel also will
26 recommend apportionment and allocation of fees and expenses subject to
27 Court approval; and,

28 q) Performing such other duties as are necessary in connection

1 with the prosecution of this litigation or as may be further directed by the
2 Court.

3 r) Any discussions of a settlement of this litigation shall be
4 conducted by Interim Co-Lead Counsel and any counsel designated by
5 Interim Co-Lead Counsel.

6 s) In advance of each status conference, Interim Co-Lead
7 Counsel and Defendant's Counsel will meet and confer regarding the agenda
8 for the conference. Unless otherwise ordered, Interim Co-Lead Counsel and
9 Defendant's counsel will file a joint notice setting out the proposed agenda
10 and the parties' joint and/or respective positions no later than five calendar
11 days prior to each status conference.

12 t) This Order applies to all actions included in the above-
13 captioned consolidated matters and all subsequently consolidated actions.

14 u) Interim Co-Lead Counsel must serve a copy of this Order
15 and all future orders promptly by overnight delivery service, facsimile, or
16 other expeditious electronic means on counsel for Plaintiffs in each related
17 action not yet consolidated in this proceeding to the extent that Interim Co-
18 Lead Counsel is aware of any such action(s) and on all attorneys for
19 Plaintiffs whose cases have been so consolidated but who have not yet
20 registered for ECF.

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1 3. The parties' Joint Stipulation Re: Defendant Whitworth University's
2 Response Deadline to Plaintiff Patrick Loyola's Complaint and Delaying Issuance
3 of Case Scheduling Order, ECF No. 13, is **GRANTED**.

4 a. Defendant must serve and file a response within 30 days after
5 Plaintiff Patrick Loyola's filing of the consolidated class action complaint
6 unless the parties later stipulate to a longer period.

7 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
8 file this Order and provide copies to counsel.

9 **DATED** this 21st day of August 2023.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

15 Stanley A. Bastian
16 Chief United States District Judge
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